

**Town of Milton
Town Council Meeting Minutes
November 1, 2004**

7:00 – PUBLIC HEARING:

A.) Rezone for Cannery Village 2-35 20.11 9.00

Greg Moore from Becker Morgan presented the proposal, which is for 27 units on 20 lots and 3.95 acres.

Don Post noted that this is not a conforming use. The sprawl concerns him. The Town residents should only give up their quality of life for higher standards. Thought should be given to those here for a lifetime. We should preserve what is left of this Town and make it appealing and beneficial.

B.) Major Subdivision for Shipbuilders 2-35 14.00 565.00

Rebecca Trifillis, attorney for Shipbuilders noted that the area is not viable as a recreation area. The proposal is to divide it into 7 smaller lots. The connections would be at the developer's expense. There is no homeowners association.

Councilman Prettyman noted that he is against this because there is nothing for kids to do. No one is using the facility because it has not been properly maintained. Kids in the development need some sort of recreation.

This item should be referred to Planning & Zoning.

The public hearing was closed at 7:25 p.m.

OPEN FLOOR (7:25 p.m.):

- A.) Don Post noted that he agrees with Councilman Prettyman. Anybody can make anything happen. We need to stop paving over this Town. Town Council is the only ones who can control this. He has a problem with developers paving, bulldozing, building condos when the developer lives out of Town. The Town needs to make sure the residents end up with something they can/want to look at for the rest of their lives. We must really consider and make sure the developers follow through.
- B.) Ed Harris asked why the actual readings aren't on the water bills.

Councilwoman Betts offered the opening prayer at 7:35 p.m., followed by the Pledge of Allegiance to the Flag.

Mayor Bushey called the roll.

PRESENT: Mayor John Bushey
Councilwoman Leah Betts
Councilman Jerry Hudson

Councilman Gene Dvornick
Councilwoman Ronda Melson
Councilman Charles Fleetwood
Councilman Noble Prettyman

Others Present: Jocelyn Jenkins, Town Clerk
Eric Evans, Code Enforcer
Stephanie Coulbourne, Finance Clerk
Dawn Johnson, Administrative Assistant
John Cornwell, Police Dept.
Allen Atkins, Town Maintenance
Tim Willard, Town Attorney
Bob Kerr, Engineer
Scott Hoffman, Engineer

Presentation and Approval of Minutes

Councilman Fleetwood made a **motion** to accept the minutes of the October 4, 2004 workshop meeting, seconded by Councilman Hudson (with 2 changes).

Motion carried – “Aye”

Committee Reports

Sewer & Water – Councilwoman Melson reported that there are a couple of issues to be discussed under New Business.

Streets & Sidewalks – Councilwoman Betts reported that the Committee will meet regarding alleyways on November 8 at 7:00 p.m. at the Theater. Those affected property owners have been notified. Also, the curb cuts to be funded by Senator Adams will begin soon.

Ordinance – Mr. Evans reported that the street ordinance is completed.

Personnel/Pension – Councilman Hudson reported that a short executive session is needed regarding personnel.

EMPLOYEE OF THE QUARTER: Ismael Torres was recognized as the Employee of the Quarter and presented with a plaque.

Parks & Recreation – Councilman Fleetwood reported that the Committee met last week. They discussed Bicentennial Park. He will get revisions to Town Council.

Economic Development – No report.

ADHOC Historic Preservation – Councilman Hudson reported that the Committee finished the draft ordinance and referred to Planning & Zoning.

Land Acquisition Committee – Councilman Dvornick reported that the Committee met on October 6 and October 20.

Planning & Zoning –No report.

Board of Adjustment – No report.

Milton Development Corporation – Councilwoman Betts reported that the movies Friday and Saturday night were a success. There will also be Christmas shows.

Councilman Hudson asked if any thought has been to having the Council meetings at the theater? This will be discussed in more detail later.

Finance/Risk Management – No report.

200th Anniversary – Councilman Fleetwood reported that the next meeting will be November 11.

Written Reports

Maintenance Report

Councilman Dvornick made a **motion** to approve the report from the Maintenance Department, seconded by Councilman Prettyman

Councilwoman Melson asked Mr. Atkins to get her a collective report with regard to Mr. Gould's work.

The question was called on the motion.

Motion carried – “Aye”

Code Enforcer Report

Councilman Hudson made a **motion**, seconded by Councilwoman Melson, to approve the Code Enforcer's Report.

Motion carried – “Aye”

Police Department Report

Councilman Fleetwood made a **motion**, seconded by Councilman Hudson, to approve the Police Department Report.

Councilman Hudson noted that he had an incident where someone used his credit card. He thanked Cpl. Mansfield for his handling of the situation.

The question was called on the motion.

Motion carried – “Aye”

Town Clerk Report

Councilman Prettyman made a **motion** to approve the Town Clerk’s report, seconded by Councilman Hudson.

Councilwoman Betts asked if a letter went out regarding Collins Street. It will be added to the November 8 agenda.

Mayor Bushey asked how many applications have been received for the Town Manager position. Mrs. Jenkins stated 8 and the deadline for applications is November 30.

Mayor Bushey would like to set up a meeting regarding Chestnut Street for additional funds for sidewalks and resurfacing.

Councilman Hudson asked for a “Rails to Trails” update. Mrs. Jenkins noted that she spoke to DelDOT recently and Councilman Dvornick will follow-up Tuesday morning.

Councilman Hudson asked for the status of the banners. Mrs. Jenkins stated that she received a packet form Conectiv which quite lengthy.

Councilman Dvornick asked for an update regarding the Mulberry Street project. Mrs. Jenkins spoke with Jeff Niezgoda last week and everything appears to be on schedule.

The question was called on the motion.

Motion carried – “Aye”

Correspondence

Councilwoman Melson read letters from:

1. Delaware Preservation Fund – advising that grants up to \$1000 are available. The deadline is December 3.
2. Robert Baldwin of Division of Soil & Water – re: Mayor Bushey’s letter of gratitude.
3. Ann Marie Townsend of State Planning Office – advising of Comprehensive Plan Annual Report Update
4. Delaware League – monthly meeting will be November 18 at the Sheraton
5. Department of Justice – response to Don Post letter
6. Mary Williams – thanking Council for opportunity to serve the Town as former Town Hall cleaning person
7. Virginia Weeks – regarding alleyway meeting November 8 (Referred to Street Committee)

8. Gene Dvornick of Milton Lions Club – thanking Town for the trash cans for the Smorgasborg
9. Audit Engagement Letter from Sombar & Co. – regarding increasing audit fees from \$6750 to \$7500
10. Independent Newspapers offering the State of Delaware newspaper rate to the Town.

Old Business

Lifting of Annexation Moratorium

This item will be saved until after New Business.

New Business

Rezoning Request from Cannery Village

Councilman Prettyman made a **motion** to accept the request as presented, seconded by Councilman Fleetwood.

It was noted that Planning & Zoning recommended approval

The question was called on the motion.

Motion carried – 5 Aye
1 No (Bushey)
1 Abstain (Dvornick)

Final Subdivision Request from Cannery Village for LPD for Phase 2A & 2B

Councilwoman Melson made a **motion** to grant the Mayor permission to sign the final subdivision after regulatory agency approvals and final site plan approval. The motion was seconded by Councilman Fleetwood.

Motion carried – 6 Aye
1 Abstain (Dvornick)

Merriweather Subdivision Utility Easement

Councilman Dvornick made a **motion** to accept the easement as recommended by Tim Willard, seconded by Councilman Prettyman.

Motion carried – “Aye”

Rezoning Request for 302 & 304 Atlantic Street & Interior Lots (Sachs)

Councilman Fleetwood made a **motion** to forward the request to Planning & Zoning, seconded by Councilman Dvornick.

Motion carried – “Aye”

Rezoning Request for 128 Front, 103 & 107 Chestnut, & 106 Walnut Streets
Councilman Dvornick made a **motion** to send the request to Planning & Zoning, seconded by Councilwoman Melson.

Motion carried – “Aye”

Resolution Regarding All Hazard Mitigation
Councilman Dvornick made a **motion** to authorize the Mayor to sign the resolution, seconded by Councilman Prettyman.

Motion carried – “Aye”

Resolution Proposing Charter Change Reference Town Manager & Annexation Agreements
Councilman Prettyman made a **motion** to accept the resolution, seconded by Councilman Fleetwood.

Motion carried – “Aye”

Water Taps Along Federal & Union to Willow – DelDOT
Councilman Fleetwood made a **motion** to proceed with the project, seconded by Councilman Hudson.

Councilman Hudson stated construction should be coordinated with DelDOT to minimize inconvenience and authorize the engineer to go out to bid.

Motion carried – “Aye”

Annexation Agreement Ordinance
Councilwoman Betts asked if every case would be handled individually? Mr. Willard stated that they would be through the annexation process. Councilwoman Betts has concerns about whether that is fair.

Councilman Fleetwood made a **motion** to adopt the ordinance, seconded by Councilman Prettyman.

Motion carried – “Aye”

Recommendation for Water System CPCN Application
Councilwoman Melson made a **motion** to authorize the Mayor to sign the application, seconded by Councilman Dvornick.

Motion carried – “Aye”

Update to Employee Handbook Regarding Accrual & Retention of Vacation Time
Councilman Hudson gave an overview of the change.

Councilwoman Melson made a **motion** to accept, seconded by Councilwoman Betts.

Motion carried – “Aye”

Resolution to Propose Declaring December 9 as John Milton Day

Councilman Dvornick made a motion to accept the resolution as presented by Mr. Brown. The **motion** was seconded by Councilman Prettyman.

Motion carried – “Aye”

Delaware State Planning Office Livable Delaware Grant for GIS Capability

Councilman Hudson made a **motion** to authorize the Mayor to sign the application and apply for the grant, seconded by Councilman Fleetwood.

Motion carried – “Aye”

AdHoc Water & Sewer Recommendations

Councilwoman Melson read the Committee recommendations.

Councilwoman Betts noted that the Committee did a good job. They put in a lot of hours. Councilwoman Betts made a motion to go with the Committee’s recommendation, seconded by Councilman Fleetwood.

Motion carried – “Aye”

Council decided to hold a workshop on November 29, and Mr. Willard will arrange for bond counsel to attend and give a presentation.

Councilman Hudson made a **motion** to have CAGE work with Allen and Robin to update the pre-treatment ordinance for industrial users. Councilman Dvornick seconded the motion.

Motion carried – “Aye”

Any Other Business

Presentation of Historic Preservation Ordinance

Councilman Hudson presented the Historic Preservation and made a **motion** to refer it to Planning & Zoning, seconded by Councilman Prettyman.

Motion carried – “Aye”

Councilwoman Melson made a **motion** to disband the Adhoc Committee with thanks, seconded by Councilman Prettyman.

Motion carried – “Aye”

On behalf of the Mayor and Council, Mayor Bushey thanked the Committee for serving.

Letter from Auditor

Councilman Dvornick made a **motion** to allow the Mayor to sign the letter, seconded by Councilwoman Melson.

Motion carried – “Aye”

Lifting Annexation Moratorium

Councilman Fleetwood made a **motion** to lift the moratorium since agreements are in place. Councilman Hudson seconded the motion.

Some councilmembers voiced concern over how can we answer what we have to offer without a Wastewater Treatment Plant in place....

Councilwoman Betts questions how we are further along now than when the moratorium was put on. How much further are along are we? What have we accomplished?

Councilman Hudson stated that we have now have direction for a sewer plant.

The question was called on the motion.

Motion carried – 5 Aye
2 No (Melson, Betts)

A question was raised from the audience regarding there not being a flag on Town Hall on the weekends.

A question was raised as to whether or not a traffic light will be installed at Mulberry and Route 16. It was noted that one will be installed when Wagamon’s West Shore is developed.

Executive Session

Councilman Fleetwood made a **motion** to go into Executive Session at 9:05 p.m., seconded by Councilman Hudson.

Motion carried – “Aye”

Respectfully submitted,

Dawn Johnson
Administrative Assistant

:12/1/04